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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,540	04/24/2006	Danut Bogdan	2003P13771	7221
24131	7590	12/17/2008		
LERNER GREENBERG STEMER LLP			EXAMINER	
P O BOX 2480			THOMPSON, TIMOTHY J	
HOLLYWOOD, FL 33022-2480				
			ART UNIT	PAPER NUMBER
			2873	
			MAIL DATE	DELIVERY MODE
			12/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,540

Applicant(s)

BOGDAN ET AL.

Examiner

TIMOTHY J. THOMPSON

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13, 15, 16, 18, 19, 21-29 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 13, 15, 16, 18, 19, 21-29 and 38 is/are allowed.
- 6) ☒ Claim(s) 31 and 34 is/are rejected.
- 7) ☒ Claim(s) 32, 33 and 35-37 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claims 31, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuchida et al.(U.S. Pat. No. 6,559,439).

Regarding claim 31, Tsuchida et al. a circuit carrier(fig 27, 68); a semiconductor element(fig 27, 80) and a housing encasing said semiconductor element disposed on said circuit carrier(fig 27, 20); and a lens unit disposed for projecting electromagnetic radiation onto said semiconductor element(fig 27, 12), said lens unit including a plurality of mutually aligned lenses for projecting the electromagnetic radiation onto the semiconductor element, said lens unit locking and a lens support supporting said plurality of lenses(col 5, lines 48-57), said lens support forming an integral component of said housing of said semiconductor element; said plurality of lenses snapped into said lens holder by latching engagement(fig 27).

Regarding claim 34, Tsuchida et al. discloses a circuit carrier(fig 7A, 64); a semiconductor element and a housing encasing said semiconductor element disposed on said circuit carrier(fig 7A, 62); and a lens unit disposed for projecting electromagnetic radiation onto said semiconductor element, said lens unit including a plurality of mutually aligned lenses and a lens support supporting said plurality of lenses(fig 6, 12 since it shows that a doublet can be used and only one lens comes in contact with the lens holder), said lens support forming an integral component of said housing of said semiconductor element(fig 7A, 20); only one lens of said plurality of lenses being in direct contact with said lens holder(fig 6); said plurality of lenses including at least two separate lenses((fig 6, 12, note if the attorney where to add the

additional wording "said plurality of lenses including at least two separate lenses *which are not in direct contact with each other*" or similar wording the examiner would agree that the cited prior art does not read on this claim.

Allowable Subject Matter

Claims 32, 33, 35-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The allowable features being; only one lens of said plurality of lenses is in direct contact with said lens holder; lenses are snapped into said lens holder by latching engagement; said retaining element has a relatively hard component and a permanently elastic component formed on an area adjoining said at least one lens

Claims 11, 13, 15, 16, 16, 18, 19, 21-29, 38 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art taken either singularity or in combination fails to anticipate or fairly suggest the limitations of the independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claim 11, 38, with the allowable features being wherein only one lens of said plurality of lenses is in direct contact with said lens holder(11 and 38). Therefore claims 11, 13, 15, 16, 16, 18, 19, 21-29, 38 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY J. THOMPSON whose telephone number is (571)272-2342. The examiner can normally be reached on 8:30 AM - 6:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mack Ricky can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Thompson/
Primary Examiner, Art Unit 2873

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